



## CHAPTER 160.

### An Act to regulate the Working of Coal-mines.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

#### *Short Title.*

1. This Act may be cited as the "Coal-mines Regulation Act." Short title. 1911, c. 33, s. 1.

#### *Interpretation.*

2. In this Act, unless the context otherwise requires,—

"Mine" means a coal-mine, and includes every shaft in the "Mine." course of being sunk, and every level and inclined plane in the course of being driven for opening any coal-mine, and any and all the shafts, levels, planes, works, machinery, tramways, and sidings, both underground and above ground, in and adjacent to and belonging to a coal-mine:

"Colliery" means a mine, and includes two or more adjacent "Colliery." mines under the same control and ownership:

"Shaft" includes pit, and means a perpendicular excavation "Shaft." in the earth or strata used for ventilation purposes, or for lowering or hoisting men or material to or from a mine, or for purposes of ingress or egress:

"Slope" or "incline" means an excavation in the earth or strata driven at an oblique angle with the plane of the horizon, and used for ventilation purposes or for the ingress or egress of men or material to or from a mine: "Slope" or  
"incline."

"Tunnel" or "level" means an excavation in the earth or strata driven horizontally or at such grade as may be necessary for drainage or haulage purposes, and used for the ingress or egress of men or material to or from a mine: "Tunnel" or  
"level."

- “Working-face.” “Working-face” means any portion of a coal-seam in any mine from which coal is being cut, removed, sheared, broken, or loosened:
- “Opening.” “Opening” includes shaft, slope, incline, tunnel, level, or any other means of access to a mine:
- “Bank.” “Bank” means the pit-head or any surface entrance to a mine:
- “Plan.” “Plan” includes a map or section, or a copy or tracing of an original map or section certified to be a correct copy by the manager or a properly qualified surveyor:
- “Ton of coal gotten by a miner.” “Ton of coal gotten by a miner” means a weight of two thousand two hundred and forty pounds:
- “Minister.” “Minister” means the Minister of Mines:
- “Chief Inspector.” “Chief Inspector” means the Inspector for the time being designated by the Minister as the Chief Inspector of Mines:
- “Inspector.” “Inspector” means a person appointed by the Lieutenant-Governor in Council to be an Inspector of Mines:
- “Woman or girl.” “Woman or girl” means a female of any age:
- “Chinaman” and “Chinese.” “Chinaman” and “Chinese” shall include any person or persons of the Chinese blood or race, whether born within the limits of the Chinese Empire and its dependencies or not, and whether naturalized British subjects or not:
- “Owner.” “Owner,” when used in relation to any mine, means any person or body corporate who is the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of any mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability:
- “Agent.” “Agent,” when used in relation to any mine, means a person acting on behalf of the owner or owners of the mine:
- “Manager.” “Manager” means the chief officer having the control and daily supervision of any mine and who possesses a first-class certificate of competency as such issued under this or some former Act:
- “Overman.” “Overman” means any person who has the daily charge of the underground workings of a mine under the control and daily supervision of the manager, and next in charge under such manager, and who possesses a second-class certificate of competency as such issued under this or some former Act:
- “Mine foreman” or “shiftboss.” “Mine foreman” or “shiftboss” means any competent person in charge of any mine or part of a mine next under the overman:

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- “Fireman” or “fireboss” means a competent person appointed to inspect the working-places of a mine, the roadways and approaches thereto, and other accessible parts of a mine, and to see that such are safe before a shift is allowed to enter such workings or other parts of the mine: “Fireman” or “fireboss.”
- “Shotlighter” means a competent person employed to examine as to the safety of using and to supervise the use of the explosives used in breaking coal, and who is possessed of a certificate of competency as such: “Shotlighter.”
- “Certificated official” means a person holding a first-, second-, or third-class certificate of competency or service under this Act: “Certificated official.”
- “Coal-miner” means a person employed underground in any coal-mine to cut, shear, break, or loosen coal from the solid, whether by hand or machinery, and possessed of a certificate of competency as such: “Coal-miner.”
- “Competent person” means a person holding a certificate of competency issued under this or some former Act for, and appointed for the purpose of, doing the class of work referred to. 1911, c. 33, s. 2 (*part*). “Competent person.”

*Division of Act.*

3. This Act is divided into thirteen parts, relating to the following subjects:— Division into parts.

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## PART I.

## REGULATION OF EMPLOYMENT IN MINES, AND WAGES.

*Employment of Women, Girls, and Boys.*

Employment of women, girls, and boys in and about mines.

4. No boy under the age of fifteen years and no girl or woman of any age shall be employed or be permitted to be in any mine for the purpose of employment therein. No boy under the age of fourteen years and no girl or woman of any age shall be employed or be permitted to be in or about the surface workings of a colliery for the purpose of employment; and every manager shall, on the request of an Inspector, produce a copy of the certificate of birth or an affidavit or a statutory declaration setting forth the age of any boy employed in or about such mine or surface workings: Provided, however, that this prohibition shall not affect the employment of any person engaged in the performance of clerical work, or in performing domestic duties in any hotel, boarding-house, or residence in connection with such colliery. 1911, c. 33, s. 3.

As to employment of persons about engines.

5. (1.) No person, unless he is a male of at least twenty-two years of age, shall have charge of or operate any engine, windlass, or gin, or any part of the machinery, ropes, chains, or tackle connected therewith, driven or worked by steam or any mechanical power, or by an animal or by manual labour, used for conveying persons in any mine: Provided that when an engine, windlass, or gin, or any part of the machinery, ropes, or tackle connected therewith, is used solely for moving material in any mine, the same may be in charge of or operated by a person or persons not under the age of sixteen years.

(2.) Every person in charge of an engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, used for conveying persons in any mine shall be possessed of a certificate from a medical practitioner that he is mentally and physically fitted to perform his duty, and shall obtain a renewal of such certificate once in every six months. 1911, c. 33, s. 4.

Penalty for employment of persons in contravention of provisions of this Act.

6. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Act with respect to the employment of women, girls, boys, or Chinamen, or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Act; and in case of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he prove that he had to the best of his power taken all reasonable means to prevent such contravention or non-compliance. 1911, c. 33, s. 5.

Penalty against parent or guardian for misrepresentation.

7. If it appears that a boy or a person employed about an engine, windlass, or gin was employed on the representation of his parent

or guardian that he was of an age at which his employment would not be a contravention of this Act, and under the belief in good faith that he was of that age, the owner, agent, or manager of the mine and employer shall be exempt from any penalty, and the parent or guardian shall for such misrepresentation be deemed guilty of an offence against this Act. 1911, c. 33, s. 6.

### *Wages.*

8. No wages shall be paid to any person employed in or about any mine at or within any public-house, beer-shop, or place for the sale of any spirits, beer, wine, cider, or other spirituous or fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith. 1911, c. 33, s. 7. Prohibition of payment of wages at public-houses, etc.

9. Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with, the last preceding section shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he prove that he had to the best of his power taken all reasonable means to prevent such contravention or non-compliance. 1911, c. 33, s. 8. Penalty.

10. Where the amount of wages paid to any person lawfully employed in a mine depends on the quantity of coal gotten by him, such person shall, unless the mine is exempted by the Minister, be paid according to the weight of the coal gotten by him, and such mineral shall, before screening, be truly weighed accordingly: Provided always that nothing herein contained shall preclude the owner, agent, or manager of the mine from agreeing with any or all person or persons employed in such mine that deductions shall be made in respect of stones or materials other than coal contracted to be gotten which shall be sent out of the mine with the coal contracted to be gotten, such deductions being determined by the bankman or weigher and checkweigher (if there be one), or, in case of difference, by a third party to be mutually agreed on by the owner, agent, or manager of the mine on the one hand and the persons employed in the mine on the other. 1911, c. 33, s. 9. Payment by weight.

11. Where it is proved to the satisfaction of the Minister by the parties interested that, by reason of any exigencies existing in the case of any mine or class of mines to which the last preceding section applies, it is requisite or expedient that the persons employed in such mine or class of mines should not be paid by the weight of the coal gotten by them, or that the beginning of such payment by weight should be postponed, the Minister may, if he thinks fit, by order, exempt such mine or class of mines from the Power of exemption from last section.

provisions of the said section, either without condition or during the time and upon the conditions specified in the order, or postpone in such mine or class of mines the beginning of such payment by weight, and may from time to time revoke or alter any such order. 1911, c. 33, s. 10.

Penalty.

12. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, the provisions of section 10 hereof, he shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with said section 10 by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he proves that he had to the best of his power taken all reasonable means to prevent such contravention or non-compliance. 1911, c. 33, s. 11.

Appointment of  
checkweigher on  
part of men.

13. (1.) The persons who are employed in a mine and are paid according to the weight of the coal gotten by them may, at their own cost, station a person (in this Act referred to as a "checkweigher") at the place appointed for the weighing of such mineral in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed. The checkweigher may be appointed by the aforesaid persons employed from time to time in the mine.

(2.) The checkweigher shall have every facility afforded to him to take a correct account of the weighing for the persons by whom he is so stationed; and if in any mine proper facilities are not afforded to the checkweigher as required by this section, the owner, agent, and manager of such mine shall each be guilty of an offence against this Act, unless he prove that he had to the best of his power taken all reasonable means to prevent such contravention or non-compliance. 1911, c. 33, s. 12.

Limit of check-  
weigher's powers.

14. The checkweigher shall not be authorised in any way to impede or interrupt the working of the mine or to interfere with the weighing, but shall be authorised only to take such account as aforesaid, and the absence of the checkweigher shall not be a reason for interrupting or delaying such weighing. 1911, c. 33, s. 13.

Removal of check-  
weigher.

15. If the owner, agent, or manager of a mine desires the removal of a checkweigher on the ground that such checkweigher has impeded or interrupted the working of the mine or interfered with the weighing, or has otherwise misconducted himself, he may complain to any Court of summary jurisdiction; and if on the hearing of the case the Court shall be of opinion that sufficient ground is shown by the owner, agent, or manager to justify the removal of the checkweigher, a summary order for his removal shall be made and the checkweigher shall thereupon be removed, but without prejudice to the stationing of another checkweigher in his place. 1911, c. 33, s. 14.



**16.** Proceedings for the removal of a checkweigher shall be deemed to be a matter on which two Justices of the Peace have authority by law to make an order in a summary manner, and the Court may in every case make such order as to the costs of the proceedings as they think just. 1911, c. 33, s. 15.

Jurisdiction of Justices to order removal.

**17.** If in pursuance of any order of exemption made by the Minister the persons employed in the mine are paid by the measure or gauge of the material gotten by them, the provisions of the last four preceding sections shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly. 1911, c. 33, s. 16.

Four last sections apply to measuring and gauging.

**18.** Whenever the coal-miners employed in a mine have engaged a checkweigher, and the majority of such coal-miners have made a request in writing to the owner, agent, or manager that the wages of such checkweigher be paid direct from the office of the mine, the said owner, agent, or manager shall withhold from the wages due the coal-miners aforesaid a pro rata amount sufficient from time to time to meet the wages due the checkweigher, and shall pay the same to him in a like manner as the wages of the said coal-miners are paid. 1911, c. 33, s. 17.

Payment of checkweigher.

#### *Employment Underground.*

**19.** No person employed in or about a mine shall remain underground for the purpose of employment, or for any other purpose except as hereinafter provided, for a longer period than eight hours from bank to bank in any one calendar day of twenty-four hours: Provided, however, that where more than two shifts are worked the onsetter, bottomer or cager, pumpmen, stablemen, and engineers in charge of constantly running machinery other than motors and machinery directly used for the mining, drilling, or getting of coal at the face, the fireboss or the shiftboss in charge of the mine or shift, may be relieved at the place of duty; but in no case shall such person or persons remain underground for a longer period than eight hours and thirty minutes from bank to bank in any one calendar day of twenty-four hours; and provided further that nothing in this section shall be construed to prohibit extra hours of employment underground for such person or persons when necessitated by a weekly change of shift where more than two shifts are worked as aforesaid:

Time person may be employed underground.

Provided also that nothing in this section contained shall apply where any miner, mine labourer, or underground worker has been employed or detained underground for a longer period than eight hours from bank to bank in any twenty-four hours owing to the occurrence of an accident to the mine, or in endeavouring to save or protect human life, or owing to such accident to save property,

Proviso in cases of accidents.

nor prohibit the manager or overman from entering a mine at any time and remaining therein in the necessary discharge of his duties.

No contravention of the foregoing provisions shall be deemed to take place in the case of any pumpman or engineer in charge of constantly running machinery who is underground for the purpose of dealing with any emergency requiring immediate attention and which, if neglected, would necessitate the closing of the mine.

"Twenty-four hours" defined.

"Twenty-four hours" for the purpose of this section shall mean from midnight to midnight.

For the purpose of this section an Inspector shall have access at all reasonable times to the time-book or other record of persons employed.

Any person who pays or receives payment for work (other than the hereinbefore excepted work) performed in excess of eight hours in twenty-four hours or who fails to comply with the provisions of this section shall be guilty of an offence against this Act. 1911, c. 33, s. 18.

## PART II.

### MINING SHAFTS, OUTLETS, SUBMARINE AREAS, AND DIVISION OF MINES.

#### *Shafts or Outlets.*

Prohibition of shaft or outlet.

**20.** The owner, agent, or manager of a mine shall not employ any person in such mine, or permit any person to be in such mine for the purpose of employment therein, unless there are in communication with every seam of such mine for the time being at work at least two shafts separated by natural strata of not less than twenty-five yards in breadth, or other outlets of not less than ten yards in breadth, by which shafts or outlets distinct means of ingress and egress are available to the persons employed in such seam, whether such two shafts or outlets belong to the same mine or one or more of them belong to another mine, and unless there is a communication of not less than four feet wide and four feet high between such two shafts or outlets: Provided that such separation shall not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets have been made for temporary purposes of ventilation, drainage, or otherwise; or in the case of mines where inflammable gas has not been found within the preceding twelve months, for the same purposes, although not temporary. 1911, c. 33, s. 19 (*part*).

Apparatus for raising and lowering to be kept.

**21.** Proper apparatus for raising and lowering persons and for their ingress or egress at each such shaft or outlet where necessary



shall be kept on the works belonging to the mine; and such apparatus, if not in actual use at the shafts or outlets, shall be constantly available for use. 1911, c. 33, s. 19 (*part*).

**22.** Where two or more shafts are required pursuant to section 20 of this Act, no mine or any portion thereof shall be ventilated by a separate intake and return airway within the area of any one shaft or permanent opening, or maintained by any midwall, air-pipe, or any other separate division within such shaft, but separate shafts separated by not less than seventy-five feet of natural strata shall be used for the intake and return airways respectively:

Ventilation where two or more shafts required.

Provided that nothing in this section shall conflict with the exemptions as to single shafts as set forth in section 26 of this Act:

And provided further that the Minister may grant such exemptions as he may see fit to mines already opened and in operation, or where by reason of the faulty nature of the seam or the limited area of available coal remaining it would be inexpedient to enforce compliance with the said section 20. 1911, c. 33, s. 20.

**23.** Every owner, agent, or manager of a mine who acts in contravention of or fails to comply with any provisions of the last three preceding sections shall be guilty of an offence against this Act. 1911, c. 33, s. 21.

Penalty.

**24.** The Supreme Court, whether any other proceedings have or have not been taken, may, upon the application of the Attorney-General, prohibit by injunction the working of any mine in contravention of sections 20 and 22 of this Act or either of the said sections, and may award such costs in the matter of the injunction as the Court thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act. Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner, agent, or manager of such mine not less than ten days before the application is made. 1911, c. 33, s. 22.

Injunction.

**25.** No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets. 1911, c. 33, s. 23.

Agreements in contravention of this Act illegal.

**26.** The provisions of this Act with respect to shafts or outlets shall not apply in the following cases, that is to say:—

Exceptions from provisions as to single shafts.

- (1.) In the case either of opening a new mine for the purpose of searching for coal or proving the mine or of any working for the purpose of making a communication between two

or more shafts, so long as not more than twenty persons are employed underground at any one time in the whole of the different seams in connection with each shaft or outlet in such new mine or such working:

- (2.) In the case of any proved mine, so long as it is exempted in writing by the Minister on the ground either—

(a.) That the quantity of coal proved is not sufficient to repay the outlay which would be occasioned by the sinking or making of a second shaft or outlet; or

(b.) If the mine is not a mine with inflammable gas, that sufficient provision has been made against danger from other causes than explosions of gas by using stone, brick, or iron in the place of wood for the lining of the shaft and the construction of the midwall; or

(c.) That the workings in any seam of a mine have reached the boundary of the property or other extremity of the mineral field of which such seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working, notwithstanding that one of the shafts or outlets may be cut off by so working away the pillars of such seam;

and so long as there are not employed underground at any one time in the whole of the different seams in connection with the shaft or outlet in any such mine more than twenty persons, or (if the mine is not a mine with inflammable gas) than such larger number of persons as may for the time being be allowed by the Minister:

- (3.) The Minister may order that a borehole shall be provided in connection with such workings as a measure of safety:
- (4.) In the case of any mine one of the shafts or outlets of which has become, by reason of some accident, unavailable for the use of the persons employed in the mine, so long as such mine is exempted in writing by the Minister and the conditions on which such exemption is granted are duly observed. 1911, c. 33, s. 24.

#### *Mining Submarine Areas.*

Mining submarine areas.

27. No submarine seam of coal or stratified deposit thereof shall be wrought under a less cover than one hundred and eighty feet of solid measures: Provided that the owner, agent, or lessee of any such area may drive passage-ways to win the coal to be wrought under a less cover than one hundred and eighty feet, but not less than one hundred feet of solid measures unless the condition of strata overlying such proposed passage-way warrants the Minister, on the written report of the Chief Inspector, permitting a lesser cover than one hundred feet of solid measures; and provided further that nothing herein contained shall prevent any owner, agent, or

lessee from winning water-covered coal-areas, when other means of access thereto are not available by caisson, shaft, or concrete revetment, or by any safe method whereby any shaft or opening may be safely and securely sunk or driven and maintained through such water-covered areas; but any coal or stratified deposit so won shall be mined and operated subject to the provisions of this section; and provided further that the Minister may grant such exemption from the provisions of this section to mines already opened, under such conditions as he may deem safe. 1911, c. 33, s. 25, subsec. (1).

**28.** Before commencing to mine any coal or stratified deposit thereof in submarine coal-areas, the owner, agent, or lessee shall submit to the Chief Inspector a plan of the system whereby such submarine coal-area is proposed to be worked, and such system must receive the written approval of the said Chief Inspector before mining operations shall be commenced, and no change shall be made in such approved system without the written consent of the said Chief Inspector. 1911, c. 33, s. 25, subsec. (2).

Plan of system to be submitted to Chief Inspector.

**29.** The mine-plan of all submarine coal-areas shall show the depth of solid cover at specified distances along the lines of all main roads and around the working-faces, and soundings shall also be taken at reasonable distances and recorded on such plan or plans; and it shall be incumbent upon the owner, agent, lessee, or manager to furnish to the Chief Inspector or to the Inspector for the district, when required and if reasonably practicable, the depth of any marine or alluvial deposit of sand, mud, silt, gravel, or drift which may overlay any submarine coal-area in which mining operations may be carried on, or are intended to be carried on, by the aforesaid owner, agent, lessee, or manager. 1911, c. 33, s. 25, subsec. (3).

What plan is to show.

#### *Division of Mine into Parts.*

**30.** Where two or more parts of a mine are worked separately, the owner or agent of such mine may give notice in writing to that effect to the Inspector for the district, and thereupon each such part shall, for all the purposes of this Act, be deemed to be a separate mine. 1911, c. 33, s. 26.

Owner may divide mine into parts.

**31.** If the Minister is of opinion that the division of a mine, in pursuance of the last preceding section, tends to lead to the evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to such division by notice served on the owner or agent of the mine; and such owner or agent, if he decline to acquiesce in such objection, may, within twenty days after the receipt of such notice, send a notice to the Inspector for the district stating that he declines so to acquiesce, and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of the last-mentioned notice shall be deemed to be the date of the reference. 1911, c. 33, s. 27.

Minister may decline to acquiesce in division.

Arbitration.



## PART III.

## EMPLOYMENT OF MANAGERS, OVERSEERS, AND COAL-MINERS.

Qualification of  
manager, overman,  
et al.

**32.** A person shall not be qualified to be, and it shall be unlawful to employ him as, a manager, overman, shiftboss, fireman, or shot-lighter of a mine unless he is for the time being registered as the holder of a certificate under this Act. 1911, c. 33, s. 29.

*Certificated Managers and other Officials.*

Manager.

**33.** (1.) Every mine shall be under the control and daily supervision of a manager, and the owner or agent of every such mine shall nominate himself or some other person (not being a contractor for getting the coal in such mine, or a person in the employ of such contractor) to be the manager of such mine, and he shall send written notice to the Inspector for the district of the name and address of such manager.

Underground work-  
ings to be in charge  
of overman or shift-  
boss.

(2.) The underground workings of every mine shall be under the daily charge of an overman or overmen, shiftboss or shiftbosses, fireboss or firebosses, and shotlighter or shotlighters, holding certificates under this Act, except as provided in section 34 of this Act.

For purposes of this  
section manager and  
overman to be  
separate persons.

(3.) For the purposes of this section the manager and overman shall be separate persons: Provided, however, that in mines where the number of persons employed underground at any one time does not exceed fifty the manager may also act as overman, unless the Inspector, by notice in writing to the owner or agent, requires such mine to be under the control and daily supervision of both a manager and an overman. 1911, c. 33, s. 28.

Penalty for working  
mine without a  
manager.

**34.** If any mine is worked for more than fourteen days without a manager as required by this Act, the owner and agent of such mine shall each be liable to a penalty not exceeding two hundred and fifty dollars, and to a further penalty not exceeding fifty dollars for every day during which such mine is so worked:

Provided that—

(a.) The owner of such mine shall not be liable to any such penalty if he prove that he had to the best of his power taken all reasonable means to comply with this section and to prevent the mine being worked in contravention thereof:

(b.) If for any reasonable cause there is for the time being no manager of a mine qualified as required by this Act, the owner or agent of such mine may appoint, with the consent of the Chief Inspector, any person not holding a certificate under this Act to be manager for a period not exceeding two months, or such longer period as may elapse before such person has an opportunity of obtaining by examination a certificate under this Act, and shall send to the

Inspector for the district a written notice of the name and address of such manager, and of the reason of his appointment; and

- (c.) A mine in which less than thirty persons are ordinarily employed underground shall be exempt from the provisions of this section in so far as they relate to the appointment of a manager, unless the Chief Inspector, by notice in writing served on the owner or agent of such mine, requires the same to be under the control of a manager.

But the operations underground shall be under the charge of a person holding a certificate as overman or shiftboss under this Act: Provided, however, that this section shall not apply to prospecting or exploratory workings where less than ten men are employed underground at any one time, unless the Chief Inspector, by notice in writing served on the owner or agent of such mine, requires such mine to be under the control of such certificated overman or shiftboss. 1911, c. 33, s. 30.

**35.** No person shall be employed as a coal-miner in any mine who is not in possession of a certificate of competency as such. Coal-miners must possess certificates of competency. 1911, c. 33, s. 48.

**36.** Coal-cutting machinery may be operated by any person if he is accompanied by and under the control of a coal-miner under this Act. Operation of coal-cutting machinery. 1911, c. 33, s. 52.

**37.** Every owner, agent, or manager of any mine who gives charge of a working-place to any person who is not the holder of a certificate of competency as required by this Act, and every person who obtains or seeks to obtain such employment by means of a false or fraudulent certificate, shall be guilty of an offence against this Act. Penalty for employing uncertificated persons. 1911, c. 33, s. 53.

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#### PART IV.

##### BOARD OF EXAMINERS AND CERTIFICATES OF AND INQUIRY INTO COMPETENCY OF MANAGERS AND OTHERS.

###### *Appointment and Constitution of Board.*

**38.** For the purpose of granting in any part of the Province certificates of competency to managers of mines, overmen, shiftbosses, firebosses, and shotlighters for the purposes of this Act, examiners shall be appointed by a Board constituted as hereinafter mentioned. Board of Examiners. 1911, c. 33, s. 31.

Constitution of Board.

**39.** (1.) The Minister may from time to time appoint, remove, and reappoint fit persons to form such Board as follows, namely: Two persons being owners, agents, or managers of a mine and two persons being practical coal-miners, and one Inspector under this Act; the persons so appointed shall, during the pleasure of the Minister, form the Board for the purposes of the said examinations in the Province.

(2.) The Minister may at any time increase the membership of the Board: Provided, however, that the Board shall always contain an equal number of persons being agents, owners, or managers of a mine and of persons being practical coal-miners. 1911, c. 33, s. 32.

*Powers of Board.*

Powers and proceedings of Board.

**40.** The proceedings of the Board shall be in accordance with the rules in the Second Schedule to this Act. The Board shall from time to time appoint examiners, not being members of the Board except with the consent of the Minister, to conduct the examinations in any part of the Province of applicants for certificates of competency under this Act; and may from time to time make, alter, and revoke rules as to the conduct of such examinations and the qualifications of the applicants, so, however, that in every such examination regard shall be had to such knowledge as is necessary for the practical working of mines in the Province; such Board shall make from time to time to the Minister a report and return of their proceedings, and of such other matters as the Minister may from time to time require. 1911, c. 33, s. 33, subsec. (1).

*Qualifications of Candidates.*

Qualifications of candidates for certificates of competency.

**41.** In no case shall a certificate of competency be granted to any candidate until he shall satisfy the Board of Examiners—

- (a.) If a candidate for a manager, that he is a British subject and has had at least five years' experience in and about the practical working of a coal-mine, and is at least twenty-five years of age; or, if he has taken a degree in scientific and mining training, including a course in coal-mining at a university or mining school approved by the Minister, that he has had at least four years' experience in and about the practical working of a coal-mine:
- (b.) If a candidate for overman, that he has had at least five years' experience in and about the practical working of a coal-mine, and is at least twenty-three years of age:
- (c.) If a candidate for shiftboss, fireboss, or shotlighter, that he has had at least three years' experience in and about the practical working of a coal-mine, is the holder of a certificate of competency as a coal-miner, and is at least twenty-three years of age:



A candidate for a certificate of competency as manager, overman, shiftboss, fireboss, or shotlighter shall produce a certificate from a duly qualified medical practitioner or St. John's or other recognized ambulance society, showing that he has taken a course in ambulance-work fitting him, the said candidate, to give first aid to men injured in coal-mining operations.

For the purposes of this section the experience demanded shall be of such a character as the Board of Examiners shall consider of practical value in qualifying the candidate for the position to which such class of certificate applies.

Experience had outside of the Province may be accepted should the Board of Examiners consider the same of equal value. 1911, c. 33, s. 33, subsec. (2).

42. The Minister shall deliver to every applicant who is duly reported by the Board of Examiners to have satisfactorily passed the examination as manager, overman, shiftboss, fireboss, or shotlighter, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, such a certificate of competency as the case requires. These certificates shall be in such form as the Minister from time to time directs, and a register of the holders of such certificates shall be kept by such person and in such manner as the Minister from time to time directs. 1911, c. 33, s. 35, subsec. (1).

Certificates of competency.

43. Such certificate of competency shall be: first-class as manager; second-class as overman; third-class as shiftboss, fireboss, or shotlighter. A certificate of any class shall be considered to include that of any other of same class, or that of any lower class. Certificates of competency as overman, shotlighter, or fireboss granted under the "Coal-mines Regulation Act Amendment Act, 1901," shall be accepted as equivalent to a third-class certificate under this Act, and may be exchanged for such, upon application to the Minister, free of charge. 1911, c. 33, s. 35, subsec. (2).

Grading of certificates.

#### *Certificates of Service.*

44. Certificates of service as manager for the purposes of this Act shall be granted by the Minister to every person who satisfies him either that before the first day of March, 1911, he was acting and has since that day acted, or that he has at any time within five years before that date, for a period of not less than twelve months, acted in British Columbia in the capacity of a manager of a mine, or such part of a mine as can under this Act be made a separate mine for the purposes of this Act. 1911, c. 33, s. 36, subsec. (1).

Certificates of service as manager.

45. Certificates of service as overman for the purposes of this Act shall be granted by the Minister, upon the recommendation of the Board of Examiners, to any person who shall satisfy such Board

Certificates of service as overman.

of Examiners that he is the holder of a certificate as overman issued under the "Coal-mines Regulation Act Amendment Act, 1901," and that either before the first day of March, 1911, he was acting and has since that day acted, or that he has at any time within two years before that date, for a period of not less than twelve months, acted in a mine in British Columbia in the capacity of overman, as defined by the interpretation clauses of this Act, and that he is otherwise as duly qualified as regards experience and fitness as is required for a certificate of competency as overman under sections 40 to 43, both inclusive, of this Act. 1911, c. 33, s. 36, subsec. (2).

Contents of such certificate.

46. Every such certificate of service shall contain particulars of the name, place, and date of birth and the length and nature of the previous service of the person to whom the same is delivered, and a certificate of service may be refused to any person who fails to give a full and satisfactory account of the particulars aforesaid, or to pay such registration fee as the Minister may direct, not exceeding those specified in the First Schedule to this Act. 1911, c. 33, s. 37.

Effect of such certificate.

47. A certificate of service shall have the same effect for the purposes of this Act as a certificate of competency granted under this Act. 1911, c. 33, s. 38.

#### *Inquiries into Competency.*

Inquiry into competency of manager, et al.

48. If at any time representation is made to the Minister by an Inspector, or otherwise, that any manager, overman, shiftboss, fireboss, shotlighter, or coal-miner holding a certificate under this Act is by reason of incompetency, drunkenness, or gross negligence, or negligence leading to or resulting in loss of life or serious injury to any employee, unfit to discharge his duties, or has been convicted of any offence against this Act, the Minister may, if he think fit, cause inquiry to be made into the conduct of such manager, overman, shiftboss, fireboss, shotlighter, or coal-miner; and with respect to such inquiry the following provisions shall have effect:—

- (1.) The inquiry shall be public, and shall be held at such place as the Minister may appoint, by such County Court Judge, Police Magistrate, Stipendiary Magistrate, or other person or persons, as may be directed by the Minister, and either alone or with the assistance of any assessor or assessors named by the Minister:
- (2.) The Minister shall, before the commencement of the inquiry, furnish the person into whose conduct the inquiry is to be made with a statement of the case upon which the inquiry is instituted:
- (3.) Some person appointed by the Minister shall undertake the management of the case:

- (4.) The person into whose conduct the inquiry is to be made may attend the inquiry by himself, his counsel, solicitor, or agent, and may, if he think fit, be sworn and examined as an ordinary witness in the case:
- (5.) The person or persons appointed to hold the inquiry (in this Act referred to as "the Court") shall, upon the conclusion of the inquiry, send to the Minister a report containing a full statement of the case, and an opinion thereon, and such report of or extracts from the evidence as the Court thinks fit:
- (6.) The Court shall have power to cancel or suspend the certificate of the person into whose conduct the inquiry has been made if it is found that he is, by reason of incompetency, drunkenness, or gross negligence, unfit to discharge his duty, or has been convicted of an offence against this Act:
- (7.) The Court may require the person into whose conduct inquiry is to be made to deliver up his certificate; and if such person fails, without sufficient cause, to comply with such requisition, he shall upon summary conviction of such failure be liable to a penalty not exceeding five hundred dollars. The Court shall hold a certificate so delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend the same, according to the judgment on the case:
- (8.) The Court shall have, for the purpose of the inquiry, all the powers of a Court of summary jurisdiction and all the powers of an Inspector under this Act:
- (9.) The Court may also, by summons, require the attendance before the Court of any person whatsoever for the purpose of being examined, and every person so summoned shall be allowed such expenses as would be allowed to a witness attending on subpœna before the Supreme Court; and in case of dispute as to the amount to be allowed, the same shall be referred by the Court to the Registrar of the Supreme Court, who, on request of the Court, shall ascertain and certify the proper amount of such expenses. 1911, c. 33, s. 39.

49. The Court may make such order as it thinks fit respecting the costs and expenses of the inquiry, and such order shall, on the application of any party entitled to the benefit of the same, be enforced by any Court of summary jurisdiction as if such costs and expenses were a penalty imposed by such Court. 1911, c. 33, s. 40.

As to costs of expenses of inquiry.

50. The Minister may, if he think fit, pay to the members of the Court of inquiry, including any assessors, such remuneration as he may think proper. 1911, c. 33, s. 41.

Remuneration of Court.



Cancellation of certificates to be recorded.

**51.** (1.) Where a certificate of a manager, overman, shiftboss, fireboss, shotlighter, or coal-miner is cancelled or suspended in pursuance of this Act, the Minister shall cause such cancellation or suspension to be recorded in the register of holders of certificates.

(2.) No other certificate shall be issued to such person whose certificate may have been cancelled, or during the terms for which such certificate may have been suspended, save and except as provided in the next succeeding section. 1911, c. 33, s. 43.

Restoration thereof in certain cases.

**52.** The Minister may at any time, if it is shown to him to be just so to do, renew or restore, on such terms as he thinks fit, any certificate which has been cancelled or suspended in pursuance of this Act. 1911, c. 33, s. 44.

#### *Lost Certificates.*

Copy of certificate may be obtained in case of loss.

**53.** Wherever any person proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of any certificate previously granted to him under this Act, the Minister shall, upon payment of such fee (if any) as he may direct, but not exceeding the fee specified in the first Schedule to this Act, cause a copy of the certificate to which the applicant appears by the register to be entitled to be made out and certified by the person who keeps the register, and delivered to the applicant, and any copy which purports to be so made and certified as aforesaid shall have all the effects of the original certificate. 1911, c. 33, s. 45.

#### *Rules for Examination.*

Minister may make rules as to examinations.

**54.** (1.) The Minister may from time to time make, alter, and revoke rules as to the places and times of examinations of applicants for certificates of competency under this Act, the number and remuneration of the examiners, and the fees to be paid by the applicants, so that the fees do not exceed those specified in the First Schedule to this Act. Every such rule shall be duly observed by the Board appointed under this Act.

Revocation of rules made by Board.

(2.) The Lieutenant-Governor in Council shall have power at any time to alter and revoke any rules made by the Board of Examiners. 1911, c. 33, s. 34.

#### *Fees.*

Fees to be paid into Treasury.

**55.** All fees payable by the applicants for examination for or for a copy of a certificate under this Act shall be paid into the Treasury and form part of the general revenue of the Province. 1911, c. 33, s. 47.

#### *Examination of Coal-miners.*

Boards of Examiners.

**56.** (1.) Coal-miners' certificates of competency shall be granted by a Board of Examiners consisting of not less than three competent

persons; such Board to be constituted at each colliery which the Lieutenant-Governor in Council may designate, and such Board shall consist of the following persons:—

- (a.) One appointed by the Lieutenant-Governor in Council:
- (b.) One, with two alternates, appointed by the manager or managers of the colliery:
- (c.) One coal-miner with two alternates, possessed of certificates of competency as such. Such coal-miner and coal-miner alternates shall be elected by the coal-miners whose names shall appear on the list referred to in section 12 in the Third Schedule to this Act:
- (d.) The proceedings of the Board shall be in accordance with the rules in the Third Schedule to this Act:
- (e.) An Inspector of Mines shall, *ex officio*, be a member, without voting-power, of all Boards under this section within his inspectorate.

Powers and proceedings of Board.

(2.) Such Board shall hold office for one year or until their successors are appointed.

(3.) The examination as aforesaid shall be held on the first Monday in each and every month, except in cases where the Minister may fix some other date on which a Board shall hold its examination. 1911, c. 33, ss. 49, 51 (*part*).

**57.** No certificate of competency shall be granted to any coal-miner who does not satisfy the majority of such Board of Examiners that he is sufficiently conversant with the English language, and with the provisions of the Acts relating to coal-mining and the rules and regulations made thereunder, to render his employment as such safe, and also that he has been employed in a coal-mine for at least twelve months previous to the date of his application for such certificate, and has sufficient knowledge of methods of coal-mining to render him competent to perform the duties appertaining to his employment. 1911, c. 33, s. 50.

Qualification of coal-miner.

## PART V.

### RETURNS AND NOTICES.

#### *Returns.*

**58.** On or before the first day of February in every year the owner, agent, or manager of every mine shall send to the Inspector of the district for transmission to the Minister a correct return, specifying, with respect to the year ending on the preceding thirty-first day of December, the quantity of coal wrought in such mine, and the number of persons ordinarily employed in or about such mine underground and above ground, distinguishing the persons and different classes employed underground and above ground. 1911, c. 33, s. 55.

Returns by owners, agents, or managers of mine.

Form of returns.

**59.** The returns shall be in such form as may be from time to time prescribed by the Minister, and the Inspector for the district on behalf of the Minister shall from time to time, on application, furnish forms for the purpose of such return. 1911, c. 33, s. 56.

Publication of returns.

**60.** The Minister may publish any such individual return or the returns of any Inspector. 1911, c. 33, s. 57.

Penalty for failure to send return or making false return.

**61.** Every owner, agent, or manager of a mine who fails to comply with the last three preceding sections or makes any return which is to his knowledge false in any particular shall be guilty of an offence against this Act. 1911, c. 33, s. 58.

Return of special facts.

**62.** The owner, agent, or manager of every mine shall send to the Minister or the Chief Inspector a return of any special facts relating to the safety of the mine whenever required. 1911, c. 33, s. 113.

#### *Notices.*

Notice to be given of accidents in mines.

**63.** (1.) Where in or about any mine, whether above or under ground, either—

- (a.) Loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder, or any steam-boiler; or
- (b.) Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,—

the owner, agent, or manager of the mine shall forthwith communicate such information to the Chief Inspector or Inspector for the district by telephone, telegraph, or messenger, if such means of communication are reasonably available, and in addition shall, within twenty-four hours next after the accident, send notice in writing thereof, and of the loss of life or personal injury occasioned thereby, to the Inspector of the district on behalf of the Minister, and shall specify in such notice the character of the accident and the number of persons killed and injured respectively.

(2.) In cases where loss of life or serious personal injury has occurred in any mine, the place of such accident shall remain undisturbed for a period of three days or until the Inspector shall have inspected the same: Provided, however, that a compliance herewith shall not seriously interfere with the general operation of the mine, and such place of accident shall have been examined by an employee, being a coal-miner or a member of the miners' or gas committee (if any), on behalf of the miners. 1911, c. 33, s. 59.

Notice of subsequent death

**64.** Where any personal injury, of which notice is required to be sent under the last preceding section, results in the death of any person injured, notice in writing of the death shall be sent to the



Inspector of the district on behalf of the Minister within twenty-four hours after such death comes to the knowledge of the owner, agent, or manager. 1911, c. 33, s. 60.

**65.** Every owner, agent, or manager who fails to act in compliance with the last two preceding sections or either of them shall be guilty of an offence against this Act. 1911, c. 33, s. 61. Penalty in default.

**66.** In any of the following cases, namely:—

Notice to be given  
of opening and abandon-  
ment of mine.

- (1.) Where any working is commenced for the purpose of opening a new shaft for any mine:
- (2.) Where a shaft of any mine is abandoned or the working thereof discontinued:
- (3.) Where the working of a shaft of any mine is recommenced after any abandonment or discontinuance for a period exceeding two months; or
- (4.) Where any change occurs in the name of, or in the name of the owner, agent, or manager of, any mine, or in the officers of any incorporated company which is the owner of a mine,—

the owner, agent, or manager of such mine shall, after such commencement, abandonment, discontinuance, recommencement, or change, forthwith give notice thereof to the Chief Inspector; and if such notice is not given, the owner, agent, or manager shall be guilty of an offence against this Act. 1911, c. 33, s. 62.

**67.** All notices under this Act shall be written in ink or printed, or partly in ink writing and partly in print, and all notices and documents required by this Act to be served or sent by or to an Inspector may be either delivered personally or served and sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and mailed. 1911, c. 33, s. 66. Notices may be  
served by post.

## PART VI.

### PROTECTION OF ABANDONED MINES.

**68.** Where any mine is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurred, the owner thereof and every other person interested in the minerals of such mine shall cause the top of the shaft and any side entrance from the surface to be and to be kept securely fenced for the prevention of accidents: Fencing of aban-  
doned mine.

Provided that—

(1.) The owner of the mine shall be primarily liable for the carrying into effect of this section, and shall pay all cost of such fencing if incurred by any person other than the owner:

(2.) Nothing in this section shall exempt any person from any liability under any other Act, or otherwise.

If any person fails to act in conformity with this section, he shall be guilty of an offence against this Act. 1911, c. 33, s. 63.

Unfenced shaft or side entrance to be deemed a nuisance.

69. Any shaft or side entrance which is not fenced as required by the last preceding section, and is within fifty yards of any highway, road, footpath, or place of public resort, or is in open or unenclosed land, shall be deemed to be a nuisance. 1911, c. 33, s. 64.

Plans of abandoned mines to be sent to Minister.

70. Where any mine is temporarily or permanently abandoned, the owner of such mine at the time of such abandonment shall, within three months after such abandonment, send to the Minister an accurate plan, on a scale of not less than one hundred feet to one inch, or on such other scale as the plan used in the mine at the time of such abandonment is constructed, showing the boundaries of the workings of such mine up to the time of the abandonment, with a view of its being preserved under the care of the Minister; but no person, except an Inspector under this Act, shall be entitled, without the consent of the owner of the mine, to see such plan when so sent until after the lapse of ten years from the time of such abandonment: Provided that the accuracy of every such plan shall be certified, so far as is reasonably practicable, by a surveyor or other person approved in that behalf by the Chief Inspector. Every person who fails to comply with this section shall be guilty of an offence against this Act:

Provided, however, that such Inspector or other authorised official of the Department of Mines may, under the direction of the Minister, for the purpose of guarding the safety of mining operations in adjacent properties, take from such deposited plan such measurements or other information as may be necessary therefor, and make use of them in the discharge of his duties. 1911, c. 33, s. 65.

## PART VII.

### INSPECTION OF MINES.

#### *Appointment of Inspectors.*

Appointment and qualification of Inspectors of Mines.

71. The Lieutenant-Governor in Council may from time to time appoint fit persons, who must be possessed of mine managers' certificates of competency, to be Inspectors of Mines, and assign

them their districts and duties, and may award them such remuneration as the Lieutenant-Governor in Council may approve, and may remove such Inspectors. 1911, c. 33, s. 67.

**72.** The Minister may designate one of such Inspectors as Chief Inspector, and assign to him such duties and designate any such place as the office of such Chief Inspector as he may see fit. 1911, c. 33, s. 68.

**73.** The Minister may at any time appoint any mining engineer or other person of scientific or special attainment or practical experience to make a special investigation and report upon any mining operations so far as they relate to the safety of life and property in any mine, and such person so appointed shall have all the rights of entry into such mine and access to such plans and records as are accorded to an Inspector under this Act; and in such case the Minister may cause such report to be made public at such time and in such manner as he thinks expedient. 1911, c. 33, s. 69.

**74.** Notice of the appointment of every such Inspector shall be published in the Gazette. 1911, c. 33, s. 70.

**75.** Any such Inspector is referred to in this Act as an Inspector; and the Inspector for a district means the Inspector who is for the time being assigned to the district or portion of the Province with reference to which the term is used. 1911, c. 33, s. 71.

#### *Disqualification.*

**76.** Any person who practises or acts, or is partner of any person who practises or acts, as a land agent or mining engineer, or as a manager, viewer, agent, or valuer of mines, or arbitrator in any difference arising between owners, agents, or managers of mines, or is otherwise employed in or about any mine (whether such mine is one to which this Act applies or not), shall not act as an Inspector under this Act, and no Inspector shall be a partner or have any interest, direct or indirect, in any mine in the district under his charge. 1911, c. 33, s. 72.

#### *Powers and Duties of Inspectors.*

**77.** An Inspector under this Act shall have power to do all or any of the following things, namely:—

- (1.) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or underground are complied with:
- (2.) To enter, inspect, and examine any mine and every part thereof at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine, except in an effort to save human life:



(3.) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto:

(4.) To exercise such other powers as may be necessary for carrying this Act into effect.

The Inspector shall visit every mine within his jurisdiction and every part thereof, and all underground travelling-roads leading to and therefrom, and all air-courses, at least once every month.

Immediately after each visit the Inspector shall cause to be posted in some conspicuous place, at or near the mine, a statement showing what portion of such mine has been inspected, and the condition found to prevail therein; and he shall furnish a copy of such statement to the manager of such mine. 1911, c. 33, s. 73.

Statement to be posted, showing portion of mine inspected.

Penalty for obstructing Inspector.

78. Every person who wilfully obstructs any Inspector in the execution of his duty under this Act, and every owner, agent, or manager of a mine who refuses or neglects to furnish to the Inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act in relation to such mine, shall be guilty of an offence against this Act. 1911, c. 33, s. 74.

Notice by Inspectors of causes of danger.

79. (1.) If an Inspector, upon careful investigation, is of the opinion that a mine or any part thereof is in any respect dangerous, or that any matter, thing, or practice done, followed, or permitted in, about, or in connection with such mine constitutes a defect calculated to impair the efficiency of mining operations or to endanger the safety of any person in or about such mine, such Inspector shall give notice thereof in writing to the owner, agent, or manager of the mine, stating in such notice the grounds of his opinion, and shall, by the said notice or otherwise, order that such remedies be applied and such provision be made for the safeguarding of those employed in or about the mine as he thinks requisite. If the Inspector is of opinion that any delay in remedying such matter would be dangerous, he may order the closing of the mine or any part thereof, or may order the stopping of all work therein or connected therewith, until the matter complained of be remedied; and in every such case the Inspector shall forthwith transmit to the Minister a copy of the order and a full report of the reasons therefor.

Inspector may order that mine or any part thereof be closed.

Penalty for disobeying such order.

Any owner, agent, manager, or other person refusing or neglecting to obey any order given by the Inspector under this subsection shall be guilty of an offence against this Act.

Inspector to report dangerous conditions in mines, etc.

(2.) Where an Inspector has reason to believe that a dangerous condition exists in any mine by reason of the approach of workings to old or abandoned workings, he shall at once report to the

Chief Inspector, who in turn shall report to the Minister. Under instructions from the Minister the Chief Inspector shall make an examination of the locality in which such workings are situate, and issue directions to govern mining operations (if any) to be carried on in such locality until such dangerous condition is removed or overcome.

(3.) The powers and duties of the Inspector under this section shall also extend to the case of the employment in a mine of any person who, by want of understanding, knowledge, or skill, or owing to mental or physical incapacity or incompetency for the performance of the particular task or duty upon which he is engaged, or who from any cause is unable to clearly understand instructions conveyed to him, or is or may be a source of danger to any other person in the mine in which such person is for the time being employed, or whose presence or employment in such mine exposes or may expose any person to the risk of bodily injury; and it shall be the duty of the Inspector, on the application in writing of any three miners employed within his inspectorate or on his own initiative, to examine any person or persons employed in such mine, for the purpose of ascertaining whether any such want of understanding, knowledge, or skill, or any such mental, physical, or other incapacity or incompetency or inability to understand instructions, exists on the part of any person or persons so employed; and the employment in any mine of any person in whom such want of understanding or skill, or such mental, physical, or other incapacity or incompetency exists, or is found by the Inspector to exist, shall be deemed to be a matter, thing, or practice within the meaning of this Act constituting a defect calculated to impair the efficiency of mining operations and to endanger the safety of persons employed in or about such mine, and an Inspector may order the removal of any such person from such mine, and upon an Inspector making such order such person shall be immediately removed from the mine. 1911, c. 33, s. 75.

Duties of Inspector extended to case of persons dangerous on account of mental or physical incapacity.

Inspector, on application of three miners, to examine any such person.

80. An Inspector ordering the removal of such person as aforesaid from a mine shall forthwith give notice of such order to the owner, agent, or manager of the mine, and any owner, agent, or manager who continues after receipt of such notice to employ such person in or about the mine shall be guilty of an offence against this Act. 1911, c. 33, s. 76.

Penalty for retaining dangerous person in employ.

81. If the owner, agent, or manager of the mine objects to any order of an Inspector under either of the last two preceding sections, he may, within twenty-one days after receipt of the notice of such order, send his objection in writing, stating the ground thereof, to the Minister; and thereupon the matter shall be settled by arbitration in the manner provided by this Act, save and except that in such arbitration the parties to such arbitration shall be the

Owner, etc., may object and have matter arbitrated.

owner, agent, or manager of the mine on the one hand, and an Inspector (on behalf of the Minister) on the other; and the date of the receipt of such objection shall be deemed to be the date of the reference. 1911, c. 33, s. 77.

Penalty in default  
of compliance.

82. In case the award made on arbitration upholds the order of the Inspector, and the owner, agent, or manager fails to comply with such award, he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence. 1911, c. 33, s. 78.

No contract to pre-  
clude compliance.

83. No person shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of sections 78, 81, and 82 of this Act, or be liable under any contract to any penalty or forfeiture for doing such acts. 1911, c. 33, s. 79.

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## PART VIII.

### PLANS OF MINES.

Plans of mines.

84. The owner, agent, or manager of every mine shall keep in the office at the mine an accurate plan of the workings of the mine, drawn to a scale of not less than one hundred feet to one inch, showing the working up to a date not more than three months previously, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or, if that be not reasonably practicable, a statement of the depth of the shaft, with a section of the seam; and he shall, on request at any time of an Inspector, produce to him at the office at the mine such plan and section, and shall also on the like request mark on such plan and section the then state of the workings of the mine; and the Inspector shall be entitled to examine the plan and section, and for official purposes only to make a copy of any part thereof. 1911, c. 33, s. 80.

Penalties under last  
preceding section.

85. If the owner, agent, or manager of any mine fails to keep or wilfully refuses to produce or allow to be examined the plan and section required in the last preceding section, or wilfully withholds any portion of any plan or conceals any part of the workings of his mine, or produces an imperfect or inaccurate plan, he shall be guilty of an offence against this Act; and, further, the Inspector may, by notice in writing (whether a penalty for such offence has or has not been inflicted), require the owner, agent, or manager to cause an accurate plan and section, such as is prescribed by the last preceding section, to be made within a reasonable time, at the expense of the owner of the mine, on a scale of not less than one hundred feet to one inch, or on the scale of the plan then used in the mine. If the owner, agent, or manager fail within twenty days,



or such further time as may be allowed by the Inspector, to make or cause to be made such plan, he shall be guilty of an offence against this Act. 1911, c. 33, s. 81.

86. The owner, agent, or manager of such mine shall cause to be posted in some conspicuous place at or near the main openings of the mine, used for ingress or egress, a fairly accurate plan of such portions of the said mine as are in active operation, or may under any circumstances be used as a means of egress from any portion in active operation, and all roads used as a means of egress shall be conspicuously marked in the plan. 1911, c. 33, s. 82.

Plan of portions of mine in operation to be posted up.

87. Each Inspector shall make an annual report of his proceedings to the Chief Inspector, who likewise shall make his annual report to the Minister, which report shall be laid before the Legislative Assembly. 1911, c. 33, s. 83.

Inspector to make an annual report.

88. The Minister may at any time direct an Inspector to make a special report with respect to any accident in a mine, which accident has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient. 1911, c. 33, s. 84.

And special reports as directed.

## PART IX.

### ARBITRATION.

89. With respect to arbitrations under this Act, the following provisions shall have effect:—

Provisions as to arbitrations.

- (1.) The parties to the arbitration are in this section deemed to be the owner, agent, or manager of the mine on the one hand, and an Inspector (on behalf of the Minister) on the other:
- (2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator:
- (3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is interested in the mine to which the arbitration relates:
- (4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party:
- (5.) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section:

- (6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final:
- (7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final:
- (8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator who shall then act as if no failure had been made:
- (9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned:
- (10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ:
- (11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place:
- (12.) If the arbitrators refuse or fail or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the Minister:
- (13.) The decision of every umpire on the matters referred to him shall be final:
- (14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place:

- (15.) The arbitrators and their umpire, or any of them, may examine the parties and their witnesses on oath; they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult:
- (16.) The payment (if any) to be made to any arbitrator or umpire for his services shall be fixed by the Minister, and, together with the costs of the arbitration and award, shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by the Registrar of the Supreme Court, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount (if any) payable by the Minister shall be paid as part of the expenses of Inspectors under this Act. The amount (if any) payable by the owner, agent, or manager may, in the event of non-payment, be recovered in the same manner as penalties under this Act:
- (17.) Every person who is appointed an arbitrator or umpire under this section shall be a practical mining engineer, or a person accustomed to the working of mines; but when an award has been made under this section the arbitrator or umpire who made the same shall be deemed to have been duly qualified as provided by this section. 1911, c. 33, s. 85.

## PART X.

### INQUESTS.

**90.** With respect to Coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in mines, the following provisions shall have effect:—

Provisions as to Coroners' inquests on deaths from accidents in mines.

- (1.) Where a Coroner holds an inquest upon the body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the Inspector for the district, the Coroner shall adjourn such inquest unless the Inspector or some person on behalf of the Minister is present to watch the proceedings:
- (2.) The Coroner, at least four days before holding an adjourned inquest, shall send to the Inspector for the district notice in writing of the time and place of holding the adjourned inquest:
- (3.) The Coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof:



- (4.) If an explosion or accident has not occasioned the death of more than one person, and the Coroner has sent to the Inspector for the district notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn:
- (5.) An Inspector or any other directly interested person or persons nominated in writing by such directly interested person shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the Coroner:
- (6.) Where evidence is given at an inquest at which an Inspector is not present of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the Coroner or jury to require a remedy, the Coroner shall send to the Inspector for the district notice in writing of such neglect or default:
- (7.) Any person having a personal interest in the management of the mine in which the explosion or accident occurred, and any person injured by such explosion or accident, or any relative of such person, or any official of a miners' union shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit on the jury:
- (8.) On receipt of information that an inquest is to be held in accordance with this section, the Inspector shall cause a notice, giving the time and place of the holding of such inquest, to be posted in a conspicuous place at the mine:
- (9.) Every owner, agent, or manager of a mine shall, on the request of an Inspector, furnish such a plan as will show the locality of the accident and as may be required by the Inspector for the use of the Coroner and jury.

Every person who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act. 1911, c. 33, s. 86.

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## PART XI.

## GENERAL RULES.

**91.** The following general rules shall be observed, so far as is General rules.  
reasonably practicable, in every mine:—

Rule 1. Every mine while being worked shall be thoroughly Ventilation.  
ventilated and furnished with an adequate supply of pure air to dilute and render harmless noxious gases to the intent that the working-places of the shafts, levels, stables, and workings of such mine, and the underground travelling-roads to and from such working-places, shall be in a fit state for working and passing therein, and where the ventilation is produced by a mechanical contrivance the apparatus shall be placed in such position and under such conditions as will tend to insure its being uninjured by an explosion: Provided that nothing in this rule contained shall prevent the installation of any auxiliary apparatus underground for the purpose of supplementing or augmenting the main system of ventilation in any mine.

Rule 2. An adequate supply of pure air shall mean not less than Ventilation  
one hundred cubic feet per minute for each man or boy and not less than three hundred cubic feet per minute for each horse or mule employed in a mine, and as much more as the Inspector of Mines may direct, which shall sweep the face of each working-place, and a notice stating the quantity of air required shall be kept posted at the mouth of the mine by the Inspector of Mines whenever he directs that more air shall be furnished in a mine. Every mine shall be divided into districts or splits of not more than seventy men in each district, and each district shall be supplied with a separate current of fresh air. All intake air shall travel free from all stagnant water, stables, and places set apart for sanitary purposes, and, where practicable, also free from old workings, and every place shall be bratticed up within four yards of the face, and where open lights or explosives are used, or where electricity is used for power or lighting purposes, all brattice cloth or canvas and ventilating curtains shall be made fireproof. On all main roads where a door is required the Inspector of Mines may order that two doors shall be placed, so that while cars are being taken through the one the other shall remain closed and no air shall be lost.

Rule 3. Should the Inspector of Mines find the sectional area of the air-intake to be such that, to obtain the requisite quantity of air for ventilation, such velocity of air-current is or would be created as to raise and keep in suspension an undue quantity of dust, or that such dust is carried into the workings so as to be a source of danger, or should he consider that the cars, motors, or other appliances passing along such intake airway do materially interfere with the free passage and efficiency of such air-current, such Inspector may give notice in writing thereof to the owner, agent, or manager of the mine, as provided for in section 79 of this Act; and unless the same

Case of air being  
supplied at too high  
a velocity.

be forthwith remedied, the Inspector of Mines shall report the same to the Chief Inspector of Mines, who in turn shall report to the Minister of Mines.

Inspection of mines  
in which inflam-  
mable gas has been  
found.

Rule 4. In every mine in which inflammable gas has been found within the preceding twelve months, then once in every twenty-four hours if one shift of workmen is employed, and once in every twelve hours if two shifts are employed during any twenty-four hours, a competent person or competent persons holding a certificate of competency as a fireman, and who shall be appointed for the purpose, shall, within three hours before the time for commencing work in any part of the mine, or, should the Inspector of Mines consider it necessary and so direct, within a shorter period of time, inspect with a locked safety-lamp that part of the mine and the roadways leading thereto through which persons have to pass, and shall make a true report of the condition thereof, and a workman shall not go to work in such part of the mine until the same and the roadways leading thereto are stated by the person or persons so inspecting to be safe. Every such report shall be recorded without delay in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same; and a true copy thereof shall forthwith be posted on a blackboard at the fireman's station. And at least once in every week a competent person or persons shall, with a locked safety-lamp, examine all air-courses, stoppings, sealings, overcasts, wastes, and abandoned workings where accessible, and shall in like manner make a true report and post a copy thereof as set forth in the preceding part of this rule.

In making such inspection the fireman shall use only a safety-lamp of a pattern approved by the Minister of Mines.

If, in the opinion of the Inspector, from the quantity of inflammable gas given off or the quantity of dust created by working, or for any other cause, it is unsafe to work in the rooms or stalls two shifts in close succession, he may require that there shall be such interval as he thinks necessary between the finishing of work by one shift and the beginning of work by the next; and such Inspector shall give notice in writing thereof to the agent, owner, or manager of the mine in the form and manner set out in section 79 of this Act. It shall be incumbent on the owner, agent, or manager to provide a suitable gas tester or testers, of a type or pattern to be approved by the Chief Inspector of Mines, to enable the fireman to determine lower percentages of marsh-gas in the mine atmosphere of his district than can be determined by the ordinary safety-lamp.

Inspection where  
inflammable gas  
has not been found.

Rule 5. In every mine in which inflammable gas has not been found within the preceding twelve months, then once in every twenty-four hours a competent person or competent persons, who shall be appointed for the purpose, shall, so far as is reasonably practicable, immediately before the time for commencing work in any part of the mine, inspect that part of the mine and the roadways leading thereto through which persons have to pass, and shall make a true report of



the condition thereof, and a workman shall not go to work in such part until the same and the said roadways leading thereto are stated by the person or persons so inspecting to be safe. Every report shall be recorded without delay in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same; and a true copy thereof shall forthwith be posted on a blackboard at the fireman's station.

Rule 6. Every entrance to any place not in actual course of working and extension shall be properly fenced across the whole width of such entrance, so as to prevent persons inadvertently entering the same. Fencing of places not in use.

Rule 7. A station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and a workman shall not pass beyond any such station until the mine or part of the mine beyond the same has been inspected and stated by the person or persons so inspecting to be safe. Stations.

Rule 8. If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or such part thereof, or of any cause whatever, the mine or the said part is dangerous, every workman shall be withdrawn from the mine or such part thereof as is so found dangerous, and a competent person, who shall be appointed for the purpose, shall inspect the mine or such part thereof as is so found dangerous, and if the danger arises from inflammable gas shall inspect the same with a locked safety-lamp, and in every case shall make a true report of the condition of such mine or part thereof, and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be readmitted into the mine, or such part thereof as was so found dangerous, until the same is stated by such report not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same. Withdrawal of workmen in case of danger.

Rule 9. In every working approaching any place where there is likely to be an accumulation of explosive gas, no lamp or light other than a locked safety-lamp shall be allowed or used, and whenever safety-lamps are required by this Act, or by the special rules made in pursuance of this Act, to be used, a competent person or persons, who shall be appointed for the purpose, shall examine every safety-lamp immediately before it is taken into the workings for use, and ascertain it to be secure and securely locked; and in any part of the mine in which safety-lamps are so required to be used, they shall not be used until they have been so examined and found secure and securely locked, and shall not be unlocked without due authority and at a regularly appointed station only; and no person, unless he is appointed for the purpose of unlocking such safety-lamp, shall have in his possession or use any key or contrivance for opening the lock of such safety-lamp, nor shall such key or contrivance be taken Lamps and lights.

Tobacco.

away or used in any other portion of the mine than such regularly appointed station or stations; and no person shall have in his possession any lucifer match or apparatus of any kind for striking a light, or any pipe for smoking tobacco, or any tobacco for smoking, either as cigars, cigarettes, or in any other form. The owner, agent, or manager shall appoint a competent person or persons to search any employee in the mine for any articles prohibited by this rule, and the Inspector of Mines may order a search, for such purpose, of any employee whenever he deems it necessary, and any person refusing to submit to such search shall be deemed to be a source of danger to other persons in the mine within the meaning of section 79, and subject to all penalties of the said section. But nothing in this rule shall be so interpreted as to prevent the use of safety-lamps provided with a relighting apparatus within the tube of such lamp of a pattern approved of and permitted by the Minister of Mines, or to prevent the use of any shot-igniter, electric firer, or other appliance for such purpose if of a pattern approved of and permitted by the Minister of Mines.

Testing of safety-lamps.

Where it is necessary to work coal in any part of a ventilating district with safety-lamps, it shall not be allowable to work with a naked light in another part of the same ventilating district situated between the place where such safety-lamps are being used and the return airway.

Rule 10. In addition to the requirements of Rule 9, every safety-lamp so in use shall be tested in an explosive mixture of gas and air at least once every week, and should the glass, washers, gauze, or any of the essential parts of such lamp have been renewed after a lamp has been so tested, then such lamp shall be again tested; and any lamp which shall be shown by such test to be imperfect or ineffective shall not be allowed in any mine until such imperfection or ineffectiveness shall have been remedied and the lamp shall have passed a satisfactory test. No single-gauze safety-lamp shall be allowed in any mine, and every lamp shall be submitted to a mechanical air-test whenever assembled after being taken apart, and if shown by such test to be imperfect or ineffective its use shall not be permitted; and every colliery so using safety-lamps shall be equipped with apparatus for making such tests of some such form as shall be approved of by the Minister of Mines, and such tests shall be of such character as may from time to time be approved by the Minister of Mines. This rule shall not apply to a mine in which less than thirty persons are ordinarily employed underground.

Explosives and blasting.

Rule 11. Gunpowder or other explosive or inflammable substance shall only be used in the mine underground as follows:—

- (a.) It shall not be stored in the mine:
- (b.) It shall not be taken into the mine, except in a case or canister containing not more than four pounds:
- (c.) A workman shall not have in use nor in his possession at one time in any one place more than one of such cases or

canisters, nor shall there be more than four pounds of powder in any such can: Provided, however, the Inspector may grant permission in writing that sufficient powder in such cases or canisters may be taken into the mine to serve one round of shots in rock-work or rock tunnels:

- (d.) In charging holes for blasting, an iron or steel pricker shall not be used, and a person shall not have in his possession in the mine underground any iron or steel pricker, and an iron or steel tamping-rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder; fine coal or coal-dust or other inflammable substance shall not be used as tamping; and only clay or other non-inflammable substances shall be used for tamping or stemming, and such shall be provided by the owner, agent, or manager of the mine:
- (e.) No explosive shall be forcibly pressed into a hole of insufficient size, and when a hole has been charged the explosive shall not be unrammed, and no hole shall be bored for a charge at a distance of less than two feet from any hole where the charge has missed fire:
- (f.) Where a mine is divided into separate panels in such manner that each panel has an independent intake and return airway from the main air-course and the main return air-course, the provisions of this rule with respect to gun-powder or other explosive inflammable substance shall apply to each such panel in like manner as if it were a separate mine:
- (g.) It shall be illegal to use in any one shot any two classes, grades, or qualities of explosives:
- (h.) The thawing of explosives within any mine is strictly prohibited, except and until a special permit so to do has been obtained from the Minister of Mines, who may, should he see fit, issue such permit for a limited period of time, upon the recommendation of the Inspector of Mines for the district, and such permit shall state—
  - (1.) The particular mine and part of such mine where such explosive may be thawed;
  - (2.) The quantity of explosive allowed to be at or near such point at any one time;
  - (3.) The class of powder allowed to be so thawed;
  - (4.) The class of thawing apparatus allowed to be used in such place;
  - (5.) Any further conditions or restrictions which the Minister of Mines may consider necessary for safety; and such permit may be suspended at any time by notice in writing by the Inspector of Mines for the district given to the manager, or may be cancelled at any time by the Minister of Mines:



- (i.) No explosive shall be taken into or used in any mine unless such explosive shall be specially permitted and allowed by the Minister of Mines to be used in such mine. And the Minister of Mines shall from time to time cause to be published a list of permitted explosives, together with the conditions under which such explosives may be used. Any agent, owner, or manager desiring to use any explosive not contained in such permitted list may apply to the Minister of Mines to have such explosive placed on such permitted list, accompanying such application with full particulars as to qualities, strength, and ingredients of such explosive, and, if so requested, such guarantee as the Minister of Mines may require as to the maintenance of a uniform grade of such explosive. Should the Minister of Mines refuse to allow the use of such explosive or impose conditions considered by such agent, owner, or manager to be unnecessary, the question may be referred to arbitration, as provided by this Act:
- (j.) The owner, agent, or manager of any mine shall, upon demand of the Inspector of Mines, deliver to him, free of charge, a sample of reasonable size of each or any class of explosive, fuse, or detonator in use in such mine, or the Inspector of Mines shall have the power to take such sample himself from such explosive, fuse, or detonator as he may find in use in such mine. And the Inspector of Mines may forward such sample to the Minister of Mines, to be tested or analysed in any way that may be deemed fair; and should the Minister of Mines find such explosive, fuse, or detonator to be from any cause dangerous for use in such mine, he may restrict the conditions under which such explosive, fuse, or detonator may be used, or he may prohibit the use thereof either permanently or until such defect may be remedied to his satisfaction.

Use of explosives.

Rule 12. No explosive shall be used in any mine except in accordance with the following regulations:—

- (1.) (a.) A competent person who shall be appointed for the purpose shall, immediately before the charging of any shot-hole, examine such hole, shall see the coal is well prepared, the shot properly placed, and that the borehole is well cleaned; he shall examine the character of explosive and shall regulate the quantity of such explosive to be used in such hole, and such hole shall be loaded in accordance with his instructions. He shall examine all places contiguous thereto within a radius of twenty-five yards, and shall not allow the shot to be fired unless he finds it safe to do so, and a shot shall not be fired except by or under the immediate direction of such competent person appointed

for the purpose. In places where safety-lamps are required to be used no shot shall be fired except by means of some form of igniter approved by the Minister of Mines. After a shot is fired the shotlighter shall examine the place, and the men shall not begin work again in such place until it has been so examined and by him pronounced safe. In any coal face, room, or stall, a second hole shall not be loaded until such place shall have been examined by the shotlighter after firing the first shot and by him pronounced safe. In case of a shot missing fire it shall be the duty of the shotlighter to fence off such place and all approaches thereto outside of the danger zone, marking on such fence or fences "Missed-fire shot, keep out," with the date and the hour at which such shot missed fire, and such place shall not be entered by any person until it shall have been re-examined by a competent official after the lapse of time hereinafter specified, and by him pronounced safe and the danger-signals removed. In the case of an electric igniter having been used, the time which must elapse between the missing-fire of the shot and the time when the place may be re-entered shall be fifteen minutes, and in the case of a shot missing fire when any other means than an electric igniter is used shall be four hours:

(b.) Detonators shall be kept under the control of some person appointed in writing by the manager for the purpose, and may be issued to shotlighters only, and no other person shall take any detonator into a mine. Shotlighters shall keep all detonators so issued to them in a locked case or box, of a pattern to be approved by the Minister of Mines, until about to be used, and no other explosives shall be carried in the same case or box with the detonators: Provided, however, that the Inspector may grant permission in writing that such locked cases or boxes containing detonators may be issued to miners, but a shotlighter shall be the only person in the mine who shall be permitted to carry or use the key for such cases or boxes; and provided further that where an electric igniter and electric fuses are used the miners may carry their own supply of detonators, but a shotlighter shall be the only person in the mine who shall be permitted to carry or use an electric igniter:

(c.) It shall be unlawful for any person to expose any open case or canister containing explosives or any case or box containing detonators within fifty feet of a naked light on the intake side of the air-current, or within four feet in any other direction, or to prepare any charge with a naked light on his head:

- (2.) If the place where the shot is to be fired is dry or dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say:—

(a.) Unless the place of firing and all contiguous and accessible places within a radius of twenty yards are at the time of firing in a wet state from a thorough watering, or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or

(b.) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust;

and all haulage or other roads that are dry or dusty shall, for a distance of forty yards from the place of firing, be watered sufficiently to allay dust:

- (3.) If inflammable gas issues so freely that it shows a blue cap on the flame of the safety-lamp, explosives shall only be used—

(a.) Either in those cases of rock-drifts, rock-work, and sinking of shafts, in which the ventilation is so managed that the return air from the place where the explosive is used passes into the main return air-course without passing any place in actual course of working; or

(b.) When the persons ordinarily employed in the mine are out of the mine or out of the part of the mine where it is used.

Watering dusty  
mines.

Rule 13. In any mine or part of a mine where, from the nature of the coal or the method of handling the same, an undue quantity of dust is produced either on the roadways or in the working-places, which may tend to cause danger of explosion, then all haulage-ways leading thereto and all haulage-roads and working-places in such section of the mine shall be thoroughly and effectively watered by some recognized and approved system of watering or other treatment equivalent to watering. If, in the opinion of the Inspector of Mines, an undue quantity of dust is produced and the method employed is not adequate or effective, he may notify the manager in writing, and proceed as provided in section 79 of this Act: Provided, however, that the provisions of this rule shall not apply to any mine or separate split or panel of such a mine if no explosive is permitted and safety-lamps are used in such separate part of the mine.

Water and bore-  
holes.

Rule 14. Where a place is likely to contain a dangerous accumulation of water, the working approaching such place shall not exceed eight feet in width, or such greater width as may be permitted by the Chief Inspector of Mines, and there shall be constantly kept at a sufficient distance, not being less than five yards in advance, at



least one borehole near the centre of the working, and sufficient flank boreholes on each side.

Rule 15. Every underground plane on which persons travel, other than a working-place, not exceeding three hundred feet in length, which is self-acting or worked by an engine, windlass, or gin, shall be provided, if exceeding thirty yards in length, with some proper means of signalling between the stopping-places and the ends of the plane, and shall be provided at intervals of not more than twenty yards with sufficient manholes, five feet high where the height of the seam will permit, otherwise four feet high, by four feet wide and four feet deep and properly whitewashed, as places of refuge. Manholes.

There shall be provided at every slope, underground plane, and incline, whether self-acting or otherwise, stop-blocks, derailing-switches, drags, or other suitable apparatus to effectively prevent accidents.

Rule 16. Every level on which persons travel underground where the load is drawn by mechanical means or by a horse or other animal shall be provided, at intervals of not more than fifty yards, with sufficient manholes or with a space for a place of refuge, which space shall be of sufficient length and of at least three feet in width between the widest part of any vehicle used in such level and the side of such level. Other refuge places.

Rule 17. Every manhole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a manhole or such space so as to prevent access thereto.

Rule 18. The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be securely fenced. Fencing of old shafts.

Rule 19. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purposes of repairs or other operations if proper precautions are used. Fencing of entrances to shafts.

Rule 20. Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure. Securing of shafts.

Rule 21. The roof and sides of all roads and working-places shall be made secure and of sufficient height and width to prevent injury to any animal travelling or working therein, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such road or working-place which is not so made secure. Securing of roofs and sides.

Rule 22. A reasonable supply of timber shall be constantly kept in each working-place, or where this is reasonably impracticable, then in the most convenient place in the vicinity thereof, for the purpose of insuring the safety of the persons employed in the mine. Supply of timber to be kept.

Maximum number of persons allowed to enter cage.

Rule 23. In every mine the Inspector of Mines shall decide the maximum number of persons who may enter a cage for the purpose of being lowered or raised.

Attendance of engineman.

Rule 24. In any mine which is usually entered by means of machinery, a person of such age and mental and physical condition, as prescribed by section 5 of this Act, shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for the said purpose during the whole time that any person is in the mine.

Signalling.

Rule 25. Every working-shaft used for the purpose of drawing materials or for the lowering or raising of persons shall be provided with guides and some proper means of communicating distinct and definite signals to and from the bottom of the shaft, and every working entrance connected therewith, and with the surface: Provided, however, sinking shafts shall be exempted from the use of guides unless the Chief Inspector of Mines may deem the use of such guides necessary.

Cover overhead.

Rule 26. A sufficient cover overhead shall be used when lowering or raising persons in every working-shaft, except where the person or persons are employed about the pump or some work of repair in the shaft.

Chains.

Rule 27. A single-linked chain shall not be used for lowering or raising persons in any working-shaft or plane, except for the short coupling chain attached to the cage or load.

Slipping of rope on drum.

Rule 28. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding, then the cage, when men are being raised, shall not be wound up at a speed exceeding three miles an hour, after the cage has reached a point in the shaft to be fixed by the special rules.

Winding apparatus. Speed cages are to be raised.

Brake.

Rule 29. There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering and raising persons, an adequate brake and also a proper indicator, in addition to any mark on the rope, which shows to the person who works the machine the position of the cage or load.

Lowering cages to be provided with safety-clutch.

Rule 30. There shall be attached to every cage when used for lowering and raising persons in any shaft a proper and adequate automatic safety-clutch which will effectually prevent the falling of any cage upon the breaking of the rope:

Provided, however, that the Minister of Mines may exempt from the operation of this rule cages in shafts in which wire-rope guides are used.

Fencing machinery.

Rule 31. Every fly-wheel and all exposed dangerous parts of the machinery used in or about the mine shall be kept securely fenced.

Gauges to boiler and safety-valve.

Rule 32. Every steam-boiler shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of

steam and the height of water in the boiler, and with a proper safety-valve.

Rule 33. After dangerous gas has been found in any mine, a Barometer, etc. barometer and thermometer shall be placed above ground in a conspicuous position at the entrance to the mine, and a water-gauge to show the ventilating-pressure shall be placed either in the fan-house or underground between the intake and return airways.

Rule 34. No person shall wilfully damage, or without proper Wilful damage. authority remove or render useless, any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act.

Rule 35. Every person shall observe such directions with respect Observance of directions. to working as may be given to him with a view to comply with this Act or the special rules.

Rule 36. A competent person or competent persons who shall be Daily inspection of mine. appointed for the purpose shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery and the state of the head-gear, working-places, levels, planes, ropes, chains, and other works of the mine which are in actual use, and once at least in every week shall examine the state of the shafts by which persons ascend or descend, and the guides or conductors therein, and shall make a true report of the result of such examination; and such report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons who made the same.

Rule 37. The persons employed in a mine may from time to time Inspection of mine on behalf of workmen. appoint one or two of their number to inspect the mine at their own cost, and the persons so appointed shall be allowed, once or oftener in every shift, day, week, or month, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine, and to inspect the shafts, levels, planes, working-places, return airways, ventilating apparatus, old workings, and machinery, and shall be afforded by the owner, agent, and manager, and all persons in the mine, every facility for the purpose of such inspection, and shall make a true report of the result of such inspection; and such report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons who made the same. And if the report state the existence or apprehended existence of any danger, the person or persons making the inspection shall forthwith cause a true copy of the report to be sent to the Inspector of Mines for the district: Provided always that where the miners in any mine fail to appoint two of their number to inspect the mine, the Chief Inspector of Mines shall select from the men, in alphabetical order where possible, two competent miners, who shall comply with the provisions of this section, and the said owner, agent, or manager



may withhold from the wages of the underground employees a sufficient sum pro rata to remunerate the persons making such examination.

Books.

Rule 38. The books mentioned in this section, or a copy thereof, shall be kept at the office of the mine, and any Inspector of Mines, and any person employed in the mine, may at all reasonable times inspect and take copies of and extracts from any such books.

Cages.

Rule 39. Every cage used in any mine shall be stationary and shall rest upon chairs or catches before any person is allowed to enter upon or to leave the same. No person shall enter or leave a cage without the consent of the banksman or onsetter.

Ambulance boxes.

Rule 40. At every mine the owner shall provide one good and sufficient "ambulance box," to be approved by a medical practitioner, with an additional such box for each one hundred men employed on one shift above and under ground collectively.

Sanitary arrangements.

Rule 41. In every mine where, by reason of its depth or the extent of its workings, egress to the surface cannot be conveniently obtained, there shall be provided suitable places for sanitary uses, which shall be deodorized and constantly maintained in a sanitary condition, and suitable outhouses for sanitary purposes shall be similarly maintained in convenient positions contiguous to the surface works thereof. It shall be incumbent on the owner, agent, or manager of such mine to maintain all bunk-houses, cook-houses, and wash-houses controlled by the said owner, agent, or manager in such cleanly and sanitary condition as may be approved by the Inspector of Mines.

Chinamen and persons unable to speak English.

Rule 42. No Chinaman or person unable to speak English shall be appointed to or shall occupy any position of trust or responsibility in or about a mine whereby through his ignorance, carelessness, or negligence he may endanger the life or limb of any person employed in or about a mine, namely: As banksman, onsetter, signalman, brakeman, switchman, furnaceman, engineer, or be employed at the windlass of a sinking pit.

Offences.

Rule 43. Every person who contravenes or does not comply with any of the general rules of this section shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the said general rules by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act unless he proves that he has taken all reasonable means, by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine, to prevent such contravention or non-compliance. 1911, c. 33, s. 87.

#### *Special Rules.*

Special rules to be established in each mine.

92. There shall be established in every mine to which this Act applies such rules (referred to in this Act as "special rules") for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same as, under the particular

state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety and proper discipline of the persons employed in or about the mine; and such special rules, when established, shall be signed by the Chief Inspector and shall be observed in and about every such mine, in the same manner as if they were enacted in this Act. 1911, c. 33, s. 89.

**93.** If any person who is bound to observe the special rules established for any mine acts in contravention of or fails to comply with any of such special rules, he shall be guilty of an offence against this Act, and also the owner, agent, and manager of such mine, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine so as to prevent such contravention or non-compliance, shall each be guilty of an offence against this Act. 1911, c. 33, s. 90.

Penalty for contravention of special rules.

**94.** The owner, agent, or manager of every mine to which this Act applies shall frame and transmit to the Chief Inspector, for approval by the Minister, special rules for such mine within three months after the commencement of any working for the purpose of opening a new mine or of renewing the working of an old mine. 1911, c. 33, s. 91.

Proposed special rules to be submitted for approval.

**95.** The proposed special rules, together with a printed notice specifying that any objection to such rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the mine to the Chief Inspector, at his address stated in such notice, shall, during not less than two weeks before such rules are transmitted to the Chief Inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the mine, and a certificate that such rules and notice have been so posted up shall be sent to the Chief Inspector with the rules signed by the person sending the same. 1911, c. 33, s. 92.

And posted up.

**96.** If the rules are not objected to by the Minister within forty days after their receipt by the Chief Inspector, they shall be established. 1911, c. 33, s. 93.

When to take effect.

**97.** If the Minister is of opinion that the proposed special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, or for the safety of the persons employed in or about the mine, or are not in accordance with the spirit of this Act, or are unreasonable, he may within forty days after the rules are received by the Chief Inspector object to the rules, and propose to the owner, agent, or manager in writing any modifications in the rules by way either of omission, alteration, substitution, or addition. 1911, c. 33, s. 94.

Minister may object to special rules and propose modifications.

When modified rules  
to take effect.

**98.** If the owner, agent, or manager does not, within twenty days after the modifications proposed by the Minister are received by him, object in writing to them, the proposed special rules, with such modifications, shall be established. 1911, c. 33, s. 95.

Modifications  
objected to to be  
referred to arbitra-  
tion.

**99.** If the owner, agent, or manager sends his objections in writing within the said twenty days to the Minister, the matter shall be referred to arbitration, and the date of the receipt of such objection by the Minister shall be deemed to be the date of the reference, and the rules shall be established as settled by an award on arbitration. 1911, c. 33, s. 96.

Owner, etc., may  
propose amendment  
of special rules.

**100.** After special rules are established under this Act in any mine, the owner, agent, or manager of such mine may from time to time propose in writing to the Chief Inspector, for the approval of the Minister, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such proposed amendments and new rules in like manner, as near as may be, as they apply to the original rules. 1911, c. 33, s. 97.

Minister may  
propose amend-  
ment.

**101.** The Minister may from time to time propose in writing to the owner, agent, or manager of the mine any new special rules, or any amendment to the special rules, and the provisions of this Act with respect to a proposal of the Minister for modifying the special rules transmitted by the owner, agent, or manager of a mine shall apply to all such proposed new special rules and amendments in like manner, as near as may be, as they apply to such proposal. 1911, c. 33, s. 98.

As to false state-  
ments and neglect  
of transmission of  
special rules to the  
Inspector.

**102.** If the owner, agent, or manager of any mine makes any false statement with respect to the posting-up of the rules and notices, he shall be guilty of an offence against this Act; and if special rules for any mine are not transmitted within the time limited by this Act to the Chief Inspector for the approval of the Minister, the owner, agent, or manager of such mine shall each be guilty of an offence against this Act, unless he prove that he had to the best of his power taken all reasonable means for the transmission of such rules. 1911, c. 33, s. 99.

Publication of  
special rules.

**103.** For the purpose of making known the special rules and provisions of this Act to all persons employed in or about each mine, an abstract of the Act, supplied on the application of the owner, agent, or manager of the mine by the Inspector for the district on behalf of the Minister, and an entire copy of the special rules shall be published as follows:—

- (1.) The owner, agent, or manager of such mine shall cause such abstract and rules, with the name and address of



the Inspector for the district and the name of the owner or agent and of the manager appended thereto, to be posted up in legible characters in some conspicuous place at or near the mine, where they may be conveniently read by the persons employed, and so often as the same become defaced, obliterated, or destroyed shall cause them to be renewed with all reasonable despatch:

- (2.) The owner, agent, or manager shall supply a printed copy of the abstract and the special rules gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner, agent, or manager are paid:
- (3.) Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and employed.

In the event of any non-compliance with the provisions of this section by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he prove that he had to the best of his power taken all reasonable means to prevent such contravention or non-compliance. 1911, c. 33, s. 100.

Penalty for non-compliance.

**104.** Every person who pulls down, injures, or defaces any proposed special rules or any notice, abstract, mine-plan, or special rules when posted up in pursuance of the provisions of this Act with respect to special rules, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act. 1911, c. 33, s. 101.

Defacing notices.

**105.** Every Inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules which for the time being are established under this Act in any mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules and of the fact that they are duly established under this Act, and have been signed by the Inspector. 1911, c. 33, s. 102.

Certified copy of special rules to be evidence.

## PART XII.

### RESCUE-WORK.

#### *Devices to be provided.*

**106.** There shall be established by the owner, agent, or manager of every colliery such number of oxygen helmets or some form of mine-rescue apparatus as may be approved by the Minister.

Mine-rescue devices to be provided.

Such mine-rescue apparatus shall be constantly maintained in an efficient and workable condition, and shall in all cases be so stored or placed in or about the mine as to always be available for immediate use.

*Rescue-stations.*

Mine-rescue  
stations.

The Lieutenant-Governor in Council may from time to time establish mine-rescue stations for the purpose of supplementing, in case of need, the colliery installations of mine-rescue apparatus, and also for the purpose of training the holders of certificates of competency under this Act in the use of such mine-rescue apparatus as may be approved by the Minister; and it shall be incumbent on the owner, agent, or manager of every operating mine to have all certificated officials who are physically fit, and not less than three per cent. of such number as the Chief Inspector may deem sufficient, of the workmen, trained in the use of such established mine-rescue apparatus:

Provided that in cases of emergency such stations shall be available for the use of any trained corps of mine-rescuers, duly qualified medical practitioners, or corps trained in the work of first aid to the injured, subject always to the order of an Inspector. 1911, c. 33, s. 88.

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PART XIII.

SUPPLEMENTAL.

*Further Offences and Penalties.*

Penalty for interfering with working of Act.

**107.** Every owner, agent, or manager of any mine, or any person who refuses to allow coal-miners to hold meetings and elect examiners, provided such meetings do not interfere with the working of the mine, or in any way interferes with the working of this Act, or who acts in contravention of its provisions, shall be guilty of an offence against this Act. 1911, c. 33, s. 54.

Employee subject to penalty.

**108.** Every person employed in or about a mine, other than an owner, agent, or manager, who is guilty of any act or omission which in the case of an owner, agent, or manager would be an offence against this Act shall be deemed to be guilty of an offence against this Act. 1911, c. 33, s. 103.

Fine for offence against the Act.

**109.** Every person who is guilty of any offence against this Act shall, if no other penalty be prescribed elsewhere in this Act, be liable to a penalty not exceeding, if he is an owner, agent, or manager, one hundred dollars, and if he is any other person, ten dollars for each offence; and if the Inspector has given written notice of any such offence, then in case of an owner, agent, or manager to a further penalty not exceeding one hundred dollars and not less than ten dollars for every day after such notice that such offence continues

to be committed, and in cases of other persons, to a further penalty not exceeding five dollars for every day after such notice that such offence continues to be committed. 1911, c. 33, s. 104.

**110.** Where a person who is an owner, agent, or manager of or a person employed in or about a mine is guilty of any offence against this Act which in the opinion of the Court that tries the case is one which was reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment with or without hard labour for a period not exceeding three months. 1911, c. 33, s. 105.

Imprisonment for wilful neglect endangering life or limb.

**111.** If any person feels aggrieved by any conviction made by a Court of summary jurisdiction on determining any information under this Act, by which conviction imprisonment is adjudged in pursuance of the last preceding section, or by which conviction the sum adjudged to be paid amounts to or exceeds half the maximum penalty, the person so aggrieved may appeal therefrom. 1911, c. 33, s. 106.

Appeal against summary conviction.

**112.** All offences under this Act and all penalties under this Act, and all money and costs by this Act directed to be recovered as penalties, may be prosecuted and recovered in a summary manner before a Justice of the Peace. 1911, c. 33, s. 107.

Summary proceedings for offences, penalties, etc.

**113.** The following provisions shall have effect:—

General provisions as to summary proceedings.

- (1.) Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint or information first arose:
- (2.) The description of any offence under this Act, in the words of this Act, shall be sufficient in law:
- (3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant:
- (4.) The owner, agent, or manager may, if he think fit, be sworn and examined as an ordinary witness in the case where he is charged in respect of any contravention or non-compliance by another person:



- (5.) The Court shall, if required by either party, cause minutes of the evidence to be taken and preserved. 1911, c. 33, s. 108.

Prosecution for offences.

**114.** No prosecution shall be instituted against the owner, agent, or manager of a mine for any offence under this Act which can be prosecuted before a Court of summary jurisdiction, except by an Inspector or with the consent in writing of the Minister; and in the case of any offence of which the owner, agent, or manager of a mine is not alleged to be personally the perpetrator, an Inspector shall not institute any prosecution against such owner, agent, or manager if satisfied that he had taken reasonable means to prevent the commission of such offence. 1911, c. 33, s. 109.

Provisions herein as to penalties not to prevent infliction of punishments to which offender may be liable under any other Act: Provided punishments are not cumulative.

**115.** Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, but no person shall be punished twice for the same offence. And if the Court before whom a person is charged with an offence under this Act thinks that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the Court may adjourn the case to enable such proceedings to be taken. 1911, c. 33, s. 110.

Certain persons disqualified as Justices.

**116.** A person who is a miners' union official, or the owner, agent, or manager of any mine, or any person holding stock or directly interested in such mine, or the father, son, or brother of such official, owner, agent, or manager, shall not act as a Court or member of a Court of summary jurisdiction in respect of any offence under this Act. 1911, c. 33, s. 111.

Application of penalties.

**117.** Where a penalty is imposed under this Act for neglecting to send a notice of any explosion or accident or for any offence against this Act, which has occasioned loss of life or personal injury, the Minister may, if he think fit, direct such penalty to be paid to or distributed among the persons injured and the relatives of any persons whose death may have been occasioned by such explosion, accident, or offence, or among some of them:

Provided that—

- (1.) Such persons did not, in his opinion, occasion or contribute to occasion the explosion or accident, and did not commit and were not parties to committing the offence:
- (2.) The fact of such payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequent on such explosion, accident, or offence.

Save as aforesaid, all penalties imposed in pursuance of this Act shall be paid into the Provincial Treasury. 1911, c. 33, s. 112.

*Payment of Expenses.*

**118.** It shall be lawful for the Lieutenant-Governor in Council <sup>Expenses.</sup> to authorise the payment of all costs, remuneration, and expenses of and incidental to the carrying-out of the provisions of this Act from the Consolidated Revenue Fund. 1911, c. 33, s. 114.

*Power to make certain Rules.*

**119.** The Lieutenant-Governor in Council shall have the power to <sup>Regulations.</sup> issue, and from time to time vary, regulations and forms for carrying out the provisions of Parts I. to X., both inclusive, of this Act, and such regulations shall, upon publication in the Gazette, be deemed part of this Act. 1911, c. 33, s. 51 (*part*).

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## SCHEDULES.

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### FIRST SCHEDULE.

(Section 54.)

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#### TABLE OF MAXIMUM FEES TO BE PAID IN RESPECT TO CERTIFICATES OF COMPETENCY AS MANAGER, OVERMAN, SHIFTBOSS, FIREBOSS, OR SHOTLIGHTER.

By an applicant for examination as manager or overman.....	\$10 00
By an applicant for examination as shiftboss, fireboss, or shotlighter..	5 00
By an applicant for a certificate of service for registration.....	10 00
For a certificate, or a copy thereof.....	5 00

1911, c. 33, Sch. 1.

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### SECOND SCHEDULE.

(Section 40.)

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#### PROCEEDINGS OF BOARD FOR EXAMINATIONS.

1. The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the Board, as they think fit, subject to the following conditions:—

- (a.) All meetings shall be summoned by the secretary of the Board and shall be held on such dates as may be fixed by the Board:
- (b.) An extraordinary meeting may be held at any time on the written requisition of three members of the Board, addressed to the chairman:
- (c.) The quorum to be fixed by the Board shall consist of not less than three members:
- (d.) Every question shall be decided by a majority of votes of the members present and voting on that question:
- (e.) The names of the members present, as well as those voting upon each question, shall be recorded:

(f.) No business shall be transacted unless notice in writing of such business has been sent to every member of the Board seven days at least before the meeting.

2. The Board shall from time to time appoint some person to be chairman and one other person to be vice-chairman.

3. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting; and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

4. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

5. The appointment of an examiner may be made by a minute of the Board, signed by the chairman.

6. The Board shall keep minutes of their proceedings, which may be inspected or copied by the Minister of Mines, or any person authorised by him to inspect or copy the same. 1911, c. 33, Sch. 2.

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### THIRD SCHEDULE.

(Section 56.)

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#### CONSTITUTION OF BOARD.

1. Each member of the Board of Examiners shall be entitled to vote at every examination.

2. Each Board shall, within ten days of its formation, meet and elect from its members a chairman, who shall preside at all examinations and meetings of the Board.

3. The person appointed by the Lieutenant-Governor in Council to serve on each Board shall act as secretary thereto, and keep minutes of all proceedings, record of all candidates for and results of examinations, issue certificates of competency, and forward the prescribed returns to the Department of Mines. He shall also attend to all correspondence of the Board and answer all inquiries made to him regarding the affairs thereof.

4. The owner or manager of each colliery shall, on or before the first day of December in each year, forward to the Department of Mines, upon the prescribed form, notice of the person nominated by him to act on such Board. He may also nominate two other persons as alternates to act in the absence of the member nominated by him. In the event of such nomination not being made the Minister of Mines may appoint one member to act on behalf of the owners of the colliery.

5. At each election for the coal-miner member of a Board there shall be two alternates appointed who shall be the two candidates receiving the next highest number of votes to the one elected. One of such alternates shall act upon such Board in the absence of the elected member.

6. In the event of any one or more of such elected or alternate coal-miners ceasing to be employed in the colliery for which he or they were elected or appointed, he or they shall, ipso facto, cease to be members or alternates, as the case may be.

7. As soon as possible after a Board has been constituted there shall be published in the Gazette and in a newspaper circulating in the vicinity of the colliery a notice giving the names of the persons constituting such Board and the alternates. The name and the post-office address of the secretary shall



also be contained in such notice, together with an intimation that all persons requiring information as to the conduct of examinations shall apply to the secretary of the nearest Board.

8. The members of the Boards shall enter upon their duties on the first day of January. All Boards shall continue in office until the first day of January next ensuing, or until successors are appointed or elected.

9. A Board of Examiners may be formed by the Lieutenant-Governor in Council at any colliery where its constitution may be rendered necessary, after the regular date of formation in any year; but if such Board be constituted after the first day of September such Board shall hold office until the thirty-first day of December next ensuing, and for one year thereafter.

10. If from any cause a full Board cannot be constituted at any colliery from the regularly elected and appointed members and alternates, the vacancies may be filled by the Minister of Mines.

#### ELECTIONS.

11. The election of coal-miners as members of the Board of Examiners shall take place on the second Saturday in December in each year.

12. One week before the date set for each election the owner or manager of every colliery at which a Board of Examiners has been constituted shall forward to the secretary of the Board of Examiners a list, certified by him to be a correct one, of the coal-miners actually working in the colliery. Only the persons named on such list shall be entitled to vote at the ensuing election.

13. All candidates at such election shall be nominated in writing by at least two coal-miners working in the colliery, and such nomination, together with the candidates' acceptance thereof, in the prescribed form, shall be delivered to the secretary at least seven days before the election. No coal-miner whose name does not appear on the list furnished by the owner or manager shall be eligible for election to the Board. At least four days before the election the secretary shall post notices of such election, together with the names of the candidates thereat, in at least three conspicuous places about the colliery.

14. All elections shall be by ballot and the secretary to the Board of Examiners shall act as returning officer.

15. When any coal-miner shall apply for a ballot the secretary shall satisfy himself that the name of such person is on the list furnished to him. At any election after the first the secretary may require any applicant for a ballot to produce his certificate of competency, and if such certificate be not produced no ballot shall be furnished to the applicant.

16. The election shall be held between the hours of two and six o'clock in the afternoon, at such place as shall be designated by the secretary, and shall be conducted in the following manner:—

- (a.) The secretary, after satisfying himself that the applicant is entitled to vote, shall furnish him with a ballot on which shall be written or printed, in alphabetical order, the names of the candidates. The secretary shall place his initials on the back of each ballot before handing it to the voter, and the voter, after marking the same, shall fold it in such a manner that such initials shall be visible, and show the same to the secretary before placing it in the ballot-box:
- (b.) The ballot-box shall be sealed during the continuance of the election:
- (c.) Each voter shall be entitled to vote for one candidate and no more, and shall vote by marking a cross opposite the name of the candidate for whom he votes. Any ballot marked for more than one candidate shall be void:
- (d.) At the conclusion of the election the secretary shall open the ballot-box and proceed to count the votes. The candidate receiving the

highest number of votes shall be declared elected, and the two receiving the next highest number of votes shall be declared alternates. In the case of any tie the secretary shall have a casting-vote:

- (e.) Any candidate, or one person acting on his behalf, may be present at the counting of votes:
- (f.) The secretary shall forward the marked ballots to the Department of Mines, together with his certificate of the result of the election, within three days after the same. Such ballots shall be destroyed at the end of thirty days if no dispute arises as to such election. If a dispute arises they shall be destroyed forthwith after its settlement:
- (g.) In the event of any dispute arising as to the result or conduct of any election, the matter shall be referred to the Minister of Mines, whose decision shall be final. He may order a new election or otherwise deal with the case as he may deem fit.

#### EXAMINATIONS.

17. Notice of the date and place of each examination shall be posted for at least seven days before the holding of the same, at three or more conspicuous places about the colliery. All candidates for examination shall give at least two days' notice to the secretary and pay to him the examination fee of one dollar.

18. The examination shall commence on the day named and continue until all the applicants have been examined.

19. The result of each examination shall be certified under the hand of at least three examiners, in a book to be kept by the secretary for that purpose, and a report thereof, in the prescribed form, shall be forwarded to the Department of Mines within ten days after the conclusion of each examination.

20. All certificates or testimonials presented by persons coming before the Board must be clear and satisfactory, and in case of doubt the Board may require additional confirmation or proof of the same.

21. Candidates shall produce their previous certificates of employment when presenting themselves for examination.

22. All fees paid in respect of examinations and certificates of competency under this Act shall be forwarded by the secretary to the Treasury at the end of each month and shall form part of the Consolidated Revenue Fund.

23. Examinations for certificates of competency as coal-miners shall be *viva voce*.

#### CERTIFICATES OF COMPETENCY.

24. A certificate of competency as shotlighter, fireboss, or overman shall carry with it all the rights and privileges granted to a coal-miner by a certificate of competency as such, and the holder thereof shall be eligible for nomination and election as a coal-miner member of any Board of Examiners or alternate, and to vote at any such election.

25. In the case of any person who claims to have lost his certificate of competency, he shall apply to the secretary of the Board from which he received the same for a substituted certificate. The said secretary, upon proof satisfactory to him of such loss, may issue such substituted certificate, indorsing upon the face thereof the words "Issued as a substituted certificate for No. \_\_\_\_\_, satisfactory proof of the loss of same having been given." Should any person not be able to secure such substituted certificate he shall be treated only as a new applicant and be subjected to examination. In the event of the Board of Examiners from which such lost certificate was obtained having ceased to exist, a substituted certificate may be obtained from the Department of Mines upon satisfactory proof of loss being given.

26. The charge for a substituted certificate of competency shall be fifty cents.

27. A certificate of competency may be cancelled or suspended for any length of time by the Minister of Mines, should the holder thereof be convicted of any offence under any Act relating to coal-mining. A person whose certificate of competency has been cancelled shall be permitted to apply for a new one only with the permission of the Minister of Mines.

28. A person may be employed as a coal-miner in any colliery between the date of one examination and another, but he shall be forthwith discharged from such employment if a certificate of competency is not granted to him at the next examination. 1911, c. 33, Sch. 3.

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